

### **Remarks**

Claims 1-7 are pending in the present application.

Claims 1 and 4-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chakeres (US 6,533,794).

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chakeres in view of Riehl *et al.* (US 4,629,989).

Claims 1 and 3 have been amended.

Claim 2 has been canceled.

Claims 4-7 remain in the application unamended.

**Claim 1** has been amended to include the limitations of claim 2. Claim 1, as amended is directed to a diagnostic apparatus comprising an imaging volume for accommodating a patient to be imaged, means for positioning the patient within the imaging volume, imaging means arranged to acquire a diagnostic image in an imaging plane of the patient positioned in the imaging volume, wherein the diagnostic apparatus further comprises visualization means arranged to visualize a spatial position of the imaging plane within the imaging volume and wherein the visualization means are arranged in the immediate vicinity of the imaging volume and the visualization means comprise an adjustable light fan.

Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness with respect to claim 1, as amended. More specifically, Chakeres teaches that its invention defines stereo tactactic vectors requiring no electronic components. See, Chakeres, column 3, lines 47-49. According to the Office Action, Riehl *et al.*, on the other hand, teaches the utilization of light fan beams. In light of the teachings of Chakeres, Applicant respectfully submits that the Office Action has not established any teaching or suggestion in the references to make such a combination. Further, Chakeres actually teaches away from such combination in that it requires no electronic components. In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

**Claim 2** has been canceled in light of the amendment to claim 1.

**Claim 3** has been amended to properly depend from claim 1, as opposed to canceled claim 2.

**Claims 3-7** ultimately depend from claim 1. For at least the reasons set forth above in connection with the patentability of claim 1, Applicant requests reconsideration and withdrawal of the rejection of claims 3-7.

### **Conclusion**

Applicant submits that claims 1 and 3-7 distinguish patentably and non-obviously over the prior art of record and are in condition for allowance. An early indication of allowability is earnestly solicited.

If any extension of time is required relative to this Response A, Applicant hereby petitions for such extension. Authorization to charge deposit account 14-1270 for the fees associated therewith or otherwise necessary in connection with the related application is hereby provided.

Respectfully submitted,



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